REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 8, 2007. Claims 1-39 were pending in the Application. In the Office Action, Claims 1-39 were rejected. In order to expedite prosecution of this Application, Applicant amends Claims 1, 14, 19 and 30. Thus, Claims 1-39 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-3, 5, 7, 10, 14, 16, 18, 19, 21, 23, 26, 30, 34 and 36 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0029350 issued to Cooper et al. (hereinafter "*Cooper*"). Claims 1, 2, 3, 4, 6-9, 11, 14, 17, 19, 22-25, 27, 30-32, 34 and 37 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 7,185,199 issued to Balfanz et al. (hereinafter "*Balfanz*"). Applicant respectfully traverses these rejections.

Cooper Reference

Of the rejected claims, Claims 1, 14, 19 and 30 are independent. Applicant respectfully submits that each of independent Claims 1, 14, 19 and 30 are patentable over *Cooper*. For example, amended Claim 1 recites "a configuration module adapted to automatically select a communication network configuration setting for a device based on the received biometric data" where "the communication network configuration setting indicat[es] to connect/disconnect with at least one of a plurality of different communication networks accessible by the device" (emphasis added). In the Office Action, the Examiner appears to rely on paragraphs 0075-0077 of *Cooper* as disclosing the limitations of Claim 1 (Office Action, pages 2 and 3). Applicant respectfully disagrees.

Cooper appears to disclose that a positive digital identification of a user or individual can be obtained by verifying biometric data, such as a finger print, face recognition, eye/retina recognition, voice recognition, etc. (*Cooper*, paragraph 0075). Paragraph 0076 of *Cooper* appears to recite nothing more than a heading (i.e., "Biometrics"). Further, paragraph 0077 of *Cooper* appears to be limited to disclosing nothing more than different types of biometric

techniques, and that biometric devices may be used within a virtual private network (VPN) (*Cooper*, paragraph 0076). For example, *Cooper* recites:

> It is possible to use biometric devices within the VPN. It is possible to absolutely identify a person on the VPN using certain biometrics techniques that exist today. Examples of biometrics techniques include retinal scanner (eye scanner); finger print scanner; thumb print scanner; . . . .

(*Cooper*, paragraph 0076). However, *Cooper* does not appear to disclose or even suggest, either in the portions of *Cooper* referred to by the Examiner or elsewhere in *Cooper*, "a configuration module adapted to automatically select a communication network configuration setting for a device based on the received biometric data, the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device" as recited by Claim 1 (emphasis added). To the contrary, biometric data appears to be used in *Cooper* solely for verifying a user's identity. Therefore, for at least this reason, Applicant respectfully submits that *Cooper* does not anticipate amended Claim 1.

Amended independent Claim 14 recites "means for receiving biometric data from a user" and "means for automatically selecting a communication network configuration setting for a device based on the received biometric data, the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device" (emphasis added). Amended independent Claim 19 recites "receiving biometric data from a user" and "automatically selecting a communication network configuration setting for a device based on the received biometric data, the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device" (emphasis added). Amended independent Claim 30 recites "a biometric sensor module adapted to receive biometric data associated with a user of a device" and "a configuration module adapted to associate a communication network configuration setting for the device with the biometric data, the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device" (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicant

respectfully submits that amended independent Claims 14, 19 and 30 are also not anticipated by *Cooper*.

Claims 2, 3, 5, 7, 10, 16, 18, 21, 23, 26, 34 and 36 that depend respectively from independent Claims 1, 14, 19 and 30 are also not anticipated by *Cooper* at least because they incorporate the limitations of respective Claims 1, 14, 19 and 30 and also add additional elements that further distinguish *Cooper*. Therefore, Applicant respectfully requests that the rejection of Claims 1-3, 5, 7, 10, 14, 16, 18, 19, 21, 23, 26, 30, 34 and 36 be withdrawn.

Balfanz Reference

Of the rejected claims, Claims 1, 14, 19 and 30 are independent. Applicant respectfully submits that each of independent Claims 1, 14, 19 and 30 are patentable over *Balfanz*. For example, amended Claim 1 recites "a configuration module adapted to automatically select a communication network configuration setting for a device based on the received biometric data, the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device" (emphasis added).

Balfanz appears to disclose that a device can include biometric input that may be used to generate authentication information used to authenticate the identity of a user and/or to secure data in a memory (*Balfanz*, column 1, lines 60-67). For example, *Balfanz* appears to disclose that the biometric input may be used to protect sensitive data stored in a device (*Balfanz*, column 5, lines 57-64). *Balfanz* also appears to disclose creating a group having members where members within a group are able to communicate with each other, but a non-member is not able to participate in that communication, by using member authentication and/or encryption (*Balfanz*, column 2, lines 60-65). *Balfanz* appears to disclose that the biometric input may be used to generate keys that are used in group communications by members of the group (*Balfanz*, column 5, lines 60-67, column 6, lines 25-35). For example, *Balfanz* appears to disclose that communications may be authenticated and encrypted using cryptographic credential protocols that can support groups such as shared secret keys, digital certificates, identity-based encryption, identity-based signatures, etc. (*Balfanz*, column 6, lines 25-34). Thus, Applicant respectfully submits that *Balfanz* does not disclose or even suggest automatically selecting a "network configuration setting" for a device based on biometric data

where "the <u>communication network configuration setting indicat[es] to connect/disconnect with at least one of a plurality of different communication networks accessible by the device</u>" as recited by Claim 1 (emphasis added). Therefore, for at least this reason, Applicant respectfully submits that *Balfanz* does not anticipate amended Claim 1.

Amended independent Claim 14 recites "means for receiving biometric data from a user" and "means for automatically selecting a communication network configuration setting for a device based on the received biometric data, <u>the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device</u>" (emphasis added). Amended independent Claim 19 recites "receiving biometric data from a user" and "automatically selecting a communication network configuration setting for a device based on the received biometric data, <u>the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device</u>" (emphasis added). Amended independent Claim 30 recites "a biometric sensor module adapted to receive biometric data associated with a user of a device" and "a configuration module adapted to associate a communication network configuration setting for the device with the biometric data, <u>the communication network configuration setting indicating to connect/disconnect with at least one of a plurality of different communication networks accessible by the device</u>" (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that amended independent Claims 14, 19 and 30 are also not anticipated by *Balfanz*.

Claims 2, 3, 4, 6-9, 11, 17, 22-25, 27, 31, 32, 34 and 37 that depend respectively from independent Claims 1, 14, 19 and 30 are also not anticipated by *Balfanz* at least because they incorporate the limitations of respective Claims 1, 14, 19 and 30 and also add additional elements that further distinguish *Cooper*. Therefore, Applicant respectfully requests that the rejection of Claims 1, 2, 3, 4, 6-9, 11, 14, 17, 19, 22-25, 27, 30-32, 34 and 37 be withdrawn.

SECTION 103 REJECTIONS

Claims 5, 15, 16, 20 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Balfanz* in view of DE Patent No. 198 37 642 issued to Raaf (hereinafter "*Raaf*"). Claims 33 and 35 were rejected under 35 USC §103(a) as being unpatentable over

Balfanz in view of *Raaf* and in further view of U.S. Patent No. 5,987,336 issued to Sudo (hereinafter "*Sudo*"). Claims 12, 13, 28, 29, 38 and 39 were rejected under 35 USC §103(a) as being unpatentable over *Balfanz* in view of U.S. Patent Publication No. 2004/0151353 issued to Topping (hereinafter "*Topping*"). Applicant respectfully traverses these rejections.

Claims 5, 12, 13, 15, 16, 20, 21, 28, 19, 33-35, 38 and 39 depend respectively from independent Claims 1, 14, 19 and 30. As discussed above, Claims 1, 14, 19 and 30 are patentable over *Balfanz*. Moreover, *Raaf, Sudo* and *Topping* do not appear to remedy at least the deficiencies of *Balfanz* discussed above. Therefore, Applicant respectfully submits that for at least these reasons, Claims 5, 12, 13, 15, 16, 20, 21, 28, 19, 33-35, 38 and 39 are patentable over the cited references.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully request reconsideration and full allowance of all pending claims.

An RCE filing fee of $810.00 is believed due. The Director of Patents and Trademarks is hereby authorized to charge Deposit Account No. 08-2025 of Hewlett-Packard Company in the amount of $810.00 to satisfy the RCE filing fee. If, however, Applicant has miscalculated the fee due with this RCE, the Director is hereby authorized to charge any fees or credit any overpayment associated with this RCE to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: _James L. Baudino_
James L. Baudino
Reg. No. 43,486

Date: January 25, 2008

Hewlett-Packard Company
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
Tel. 970-898-7917